

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLARKE AND REBECCA WIXON, et al.,

No. 07-02361 JSW

Plaintiffs,

v.

WYNDHAM RESORT DEVELOPMENT  
CORP., et al.,

**ORDER TO PARTIES RE  
COURT'S INTENT TO APPOINT  
SPECIAL MASTER PURSUANT  
TO FEDERAL RULE OF CIVIL  
PROCEDURE 53**

Defendants.

As set forth in the Court's Notice of Tentative Ruling dated June 25, 2009, the Court is tentatively inclined to appoint a Special Master for purposes of preparing a Report and Recommendation regarding Plaintiffs' Motion to Enforce Parties' Class Certification Discovery Stipulation and Motion to Strike. Having considered the briefing submitted in connection with that motion, the Court concludes that it is a pretrial matter than cannot be effectively and timely addressed by this Court or by Judge Zimmerman, to whom the Court previously referred discovery disputes. *See* Fed. R. Civ. P. 53(a)(1)(C).

Accordingly, pursuant to Rule 53(b)(1), this Order shall constitute notice to the parties of the Court's intention to appoint a Special Master. The parties shall be prepared to address this Order and to lodge any objections thereto at the hearing set for June 26, 2009. The Court offers the following three candidates for the parties' consideration:

1. Edward M. Swanson, Esq., Swanson, McNamara & Haller, LLP (smhlegal.com);
2. Darylyn J. Durie, Esq., Durie Tangri Page Lemley Roberts & Kent, LLP  
(durietangri.com);

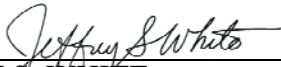
3. Beth H. Parker, Esq., Arnold & Porter, LLP (arnoldandporter.com).

Biographical information for each of these candidates is available on their firm websites.

In addition, if the parties have candidates that they wish to propose, they may submit those names for the Court's consideration on June 26, 2009.

**IT IS SO ORDERED.**

Dated: June 25, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE